

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

JOHN PRINCE,

Plaintiff,

v.

LANSING, CITY OF, et al.,

Defendants.

Hon. Gordon J. Quist

Case No. 1:15-cv-00263

REPORT AND RECOMMENDATION

This matter is before the Court on Plaintiff's Motion for Entry of Judgment Pursuant to Settlement (ECF No. 54), and Plaintiff's Motion to Remove Confidentiality Provision of W.D. Mich. LCivR 16.2(d) and Fed. R. Evid. 408 (ECF No. 62), which were referred to the undersigned by the Honorable Gordon J. Quist for report and recommendation under 28 U.S.C. §636(b)(1)(B). The undersigned makes the following recommendation regarding the parties' failed settlement attempts.

A settlement conference was indeed held on October 3, 2016. At the end of the day, the parties reached an impasse and the undersigned made a mediator's proposal¹ to both parties separately and orally. The undersigned's notes indicate that an impasse had been reached and the undersigned intended to propose plaintiff's last offer in settlement of the case. Presumably, the undersigned was not clear enough with the defendants. One difference between this and most conferences is it involved five different

¹ A mediator's proposal is typically utilized on impasse and the parties are given until the close of business the next day to accept or reject it. The undersigned typically does not put such in writing but simply communicates the proposal verbally.

items, not just one number. The Court held a status conference on August 1, 2017 to attempt to resolve the issue but was unsuccessful in doing so. It is apparent, regrettably, that no meeting of the minds in fact occurred. Therefore, the undersigned recommends that Plaintiff's Motion for Entry of Judgment (ECF No. 54), be denied, and that Plaintiff's Motion for Relief from Confidentiality Provisions of W.D. Mich. LCivR.16.2(d) and Fed.R.Evid. 408 (ECF No. 62), be dismissed as moot. It is further recommended that the case proceed to trial if the parties are unable to reach a resolution of their differences.

Date: August 3, 2017

/s/ Ellen S. Carmody
ELLEN S. CARMODY
U.S. Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).